

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

UNITED STATES,)	
Plaintiff,)	
)	Case No. 14-3104-CR-S-RK
)	
v.)	
)	
)	
SCOTT GOODWIN-BEY,)	
Defendant)	

**DEFENDANT’S MOTION FOR LEAVE OF COURT TO FILE
PRETRIAL MOTIONS TO SUPPRESS OUT OF TIME**

COMES NOW the defendant, by his counsel herein, and respectfully requests that the Court allow the defendant leave to file pretrial motions to suppress physical evidence and/or identification evidence out of time and in support, counsel sets forth as follows:

1. Defendant herein is charged with one count of possessing a firearm and ammunition as a prohibited person, having previously been convicted of a felony offense, in violation of 18 U.S.C. 922(g). This federal indictment was unsealed on December 9, 2014.

2. Defendant is also charged in the circuit court of Greene County, Missouri, case number 1531-CR00555-01, with four (4) counts of first-degree murder. The state charges were filed February 9, 2015. State prosecutors appear to claim that the gun and ammunition which defendant possessed, and which forms the basis for this federal indictment, match the bullets recovered from the deceased victims. Defendant is being held in custody without bond. If convicted in state court Defendant’s only available sentence is life without the possibility of parole.

3. Dates relevant to this request are as follows:

- a. Federal complaint filed December 1, 2014.
- b. FPD office appointed December 2, 2014.
- c. Indictment unsealed December 9, 2014.
- d. Scheduling Order entered by U.S. Magistrate Judge David Rush December 15, 2014.
- e. FPD allowed to withdraw, and CJA counsel Brian Risley appointed January 27, 2015.
- f. Attorney Risley allowed to withdraw July 28, 2015, and the undersigned counsel appointed.
- g. Case continued at defendant's request from August 2015 trial docket, and reset for February 8, 2016 trial docket.

4. The scheduling order entered December 15, 2014 orders pretrial motions to be filed within twenty (20) days of that date.

5. Since his appointment in this case, the undersigned counsel has continued to work with counsel for the government in an effort to obtain additional undisclosed discovery relevant to evaluation of defense issues, and relevant to the evaluation of any pretrial motions, such as motions to suppress evidence. Dates relevant to the Court's ruling on this motion are as follows:

- a. August 5, 2015 email to AUSA requesting copy of all video of defendant's stop and arrest, if any exists.
- b. August 20, 2015 request and receive state court search warrants and related reports regarding search of defendant's vehicle following his arrest.

- c. September 1, 2015 email request to review and examine all physical evidence collected from crime scene and from defendant or defendant's vehicle.
- d. September 2, 2015 email to AUSA requesting copy of any additional store video surveillance recording referenced in witness statements, and request copy of all photographs made by Springfield Police Department (115 photos identified in photo log included in discovery).
- e. September 11, 2015 communication from Springfield Police Department advising that they cannot provide counsel with copy of dash video of defendant's stop and arrest due to "ongoing investigation." Email forwarded to AUSA.
- f. November 24, 2015 counsel receives CD containing two video recordings of dash cameras regarding defendant's detention and arrest.

5. At the time of each request, counsel was provided a cc email from the AUSA to SPD Officer McPhail, requesting that Officer McPhail assist in providing the requested information. The SPD officers and/or the federal investigating agents have so far failed or refused to provide timely responses to the government requests.

6. At this time, counsel has not been provided (nor has counsel been advised that it does not exist) the additional video surveillance recordings referenced in the investigative reports; has not been provided a copy of the 115 photographs made by the Springfield Police Department at the time of the execution of the search warrant on defendant's vehicle (counsel has received 29 photographs in the original discovery package obtained from previous counsel); and counsel has not been provided an opportunity to review all of the physical evidence collected from the crime scene, the defendant's vehicle, and/or the defendant at the time of his arrest.

7. Based upon the information provided to date, counsel has a reasonable belief that a pretrial motion to suppress physical evidence and/or the post-detention

identification of the defendant will be need to be filed. However, the additional evidence and discovery that has been requested, but not yet received, is essential to counsel's complete evaluation of legal and factual issues involved in the drafting of any motion to suppress. Because of the pending requests for additional discovery, counsel has delayed the filing of any such pretrial motions. At the time of filing any such pretrial motions, counsel will ask that the Court schedule an evidentiary hearing.

8. Based upon the above listed information, and to allow a reasonable time for the completion of the discovery issues herein, counsel requests leave of Court to file defendant's pretrial motions on or before December 16, 2015.

WHEREFORE, counsel requests that the Court grant the relief requested herein and for such other relief as deemed appropriate.

Sincerely,

/s/Shane P. Cantin (#41699)

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CERTIFICATE OF SERVICE

On this 2nd day of December, 2015, a copy of the foregoing motion was filed on the Court's ECF electronic filing system with copies to all counsel.

/s/ Shane P. Cantin